

Applicants: James M. Binley et al.  
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**Amendments to the Drawings**

Please replace the twenty (20) sheets of Drawings (Figures 1-15) of the subject application with the twenty (20) replacement sheets of Drawings (Figures 1-15) attached hereto as **Exhibit C**.

**REMARKS**

Claims 87-164 are pending in the subject application. Claims 87-113 and 126-152 are under examination. By this Amendment, applicants have canceled claims 94, 114-125, 133, and 153-158 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in the future. Applicants have also amended claims 87, 93, 96, 104, 106-110, 126, 132, 135, 143, and 145-149. Support for these amendments may be found in the specification *inter alia* as follows: Claim 87: p. 24, lines 9-19, and 22-23; page 29, lines 25-26; page 30, lines 6-7; Claim 93: page 27, page 7-10; Claim 96: page 73, lines 24-25 and page 74, lines 1-6; Claim 104: page 31, lines 17-18; Claim 106: page 34, lines 3-4; Claim 107: page 34, lines 3-4; Claim 108: page 34, lines 3-4; Claim 109: page 34, lines 3-4; Claim 110: page 34, lines 3-4; Claim 126: p. 24, lines 9-19, and 22-23; page 29, lines 25-26; page 30, lines 6-7; Claim 132: page 27, page 7-10; Claim 135: page 73, lines 24-25 and page 74, lines 1-6; Claim 143: page 31, lines 17-18; Claim 145: page 34, lines 3-4; Claim 146: page 34, lines 3-4; Claim 147: page 34, lines 3-4; Claim 148: page 34, lines 3-4; Claim 149: page 34, lines 3-4. Applicants maintain that amended claims 87, 93, 96, 104, 106-110, 126, 132, 135, 143, and 145-149 raise no issue of new matter. Accordingly, claims 87-93, 95-113, 126-132, and 134-152 will be pending and under examination upon entry of this Amendment.

**Restriction Requirement**

The Examiner acknowledged applicants' election with traverse of Group I (claims 87-96, 111-113, 126-135, and 150-152) in the December 5, 2006 Communication filed in response to the October 5, 2006 Office Action. Upon review of the restriction requirement and consideration of applicants' argument, the Examiner has rejoined claims 97-110 and 136-149 to be examined

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with the claims of Group I. The Examiner indicated that claims 114-125 and 153-158 stand withdrawn and the restriction requirement as it pertains to these claims is made final.

#### **Sequence Listing**

The Examiner stated that this application fails to comply with the requirements of 37 C.F.R. §1.821-1.825 because all sequences contained in the specification, including the drawings, must be identified by a sequence identifier. The Examiner objected to the specification because it fails to contain appropriate sequence identifiers. A copy of the Notice To Comply received with the March 9, 2007 Office Action is attached hereto as **Exhibit D**.

In response, applicants submit a substitute specification pursuant to 37 C.F.R. §1.125(b) attached hereto as **Exhibit A** and replacement sheets 1-20 of Figures 1-15 attached hereto as **Exhibit C**. Applicants note that the subject specification and drawings have been amended so that sequences in the specification and drawings are identified by a sequence identifier (SED ID NO). Accordingly, applicants maintain that, as amended herein, the subject application complies with the requirements of 37 C.F.R. §1.821-1.825 and respectfully request that the Examiner reconsider and withdraw this ground of objection.

#### **Drawings**

The Examiner objected to the drawings as failing to contain sequence identifiers and being of poor quality. The Examiner required applicants to submit replacement drawings in compliance with 37 C.F.R. §1.121(d).

In response, applicants submit replacement sheets 1-20 of Figures 1-15 attached hereto as **Exhibit C**. Applicants maintain that

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replacement sheets 1-20 comply with the requirements of 37 C.F.R. §1.121(d) and respectfully request that the Examiner reconsider and withdraw this ground of objection.

#### **Substitute Specification**

The Examiner indicated that a substitute specification excluding the claims is required pursuant to 37 C.F.R. §1.125(a) because of certain illegible pages, specifically pages 2, 14, 22, 51, 61, and 69.

In response, applicants submit a clean version of a substitute specification attached hereto as **Exhibit A** and a version of the substitute specification marked to show the changes relative to the previous version thereof attached hereto as **Exhibit B** in accordance with 37 C.F.R. §1.125(c). In accordance with 37 C.F.R. §1.125(b), applicants maintain that the substitute specification contains no new matter. Applicants respectfully request that the Examiner enter the attached substitute specification and withdraw this ground of objection.

#### **Abstract**

The Examiner objected to the Abstract of the subject application as failing to describe the salient characteristics of the claimed invention.

In response, applicants have herein replaced the Abstract to clearly describe applicants' claimed invention. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this ground of objection.

#### **Priority**

The Examiner reminded applicants that the status of all applications relied upon under 35 U.S.C. §120 should be updated.

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In response, as stated above, applicants submit a substitute specification pursuant to 37 C.F.R. §1.125(b) attached hereto as **Exhibit A**. Applicants note that page 1 of the substitute specification reflects an amendment to the priority paragraph updating the status of priority applications. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this ground of objection.

**Information Disclosure Statement**

The Examiner indicated that the information disclosure statements filed March 30, 2004, July 9, 2004, December 8, 2006, and January 22, 2007 have been placed in the application file and the information referred to therein has been considered.

In response, applicants note that the copies of submitted forms PTO-1449 which were returned to the applicants with the March 9, 2007 Office Action have not been initialed by the Examiner. Accordingly, applicants respectfully request that the Examiner initial and date, and return to applicants, each of the forms PTO-1449 previously submitted with the above-referenced Information Disclosure Statements. For the Examiner's convenience, applicants attach hereto as **Exhibit E** copies of the previously submitted forms PTO-1449.

**Nonstatutory Double Patenting**

The Examiner rejected claims 87-113 and 126-152 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-30 of U.S. Patent No. 6,710,173.

In response, but without conceding the correctness of the Examiner's rejection, applicants will consider filing a Terminal Disclaimer over claims 1-30 of U.S. Patent No. 6,710,173 when the Examiner has withdrawn all other rejections and the pending

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claims are otherwise deemed allowable.

#### **Conclusion**

In view of the remarks made hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the grounds of rejection set forth in the March 9, 2007 Office Action, and request allowance of claims 87-113 and 126-152 pending in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

#### **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants direct the Examiner's attention to the following documents listed below, certain of which are also listed on Form PTO-1449 (**Exhibit F**).

This Supplemental Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(c) before the mailing of a Final Office Action, Notice of Allowance or an action that otherwise closes prosecution in the application. Pursuant to 37 C.F.R. § 1.97 (c)2, the fee set for in § 1.17(p) must accompany this Supplemental Information Disclosure Statement. The fee set forth in § 1.17(p) is ONE HUNDRED AND EIGHTY DOLLARS (\$180.00) and a check including this amount is enclosed. Thus, this Supplemental Information Disclosure Statement should be entered and considered.

In accordance with 37 C.F.R. §1.92(a)(2)(ii), copies of U.S.

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Patents listed herein need not be provided. Accordingly, copies of documents listed below as items 1-2 are not submitted herewith. Copies of documents listed below as items 3-10 are attached hereto as **Exhibits 1-8**.

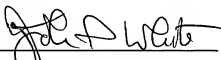
1. U.S. Patent No. 6,710,173, issued March 23, 2004 to Binley et al.;
2. U.S. Patent No. 7,022,324, issued April 4, 2006 to Binley et al.;
3. February 1, 2007 International Preliminary Report for PCT/US2005/021091, filed June 15, 2005 (**Exhibit 1**);
4. October 5, 2006 Non-Final Office Action issued in connection with U.S. Serial No. 10/780,993 (**Exhibit 2**);
5. March 9, 2007 Non-Final Office Action issued in connection with U.S. Serial No. 10/780,993 (**Exhibit 3**);
6. April 24, 2006 Non-Final Office Action issued in connection with U.S. Serial No. 10/510,268 (**Exhibit 4**);
7. October 5, 2006 Non-Final Office Action issued in connection with U.S. Serial No. 10/510,268 (**Exhibit 5**);
8. September 7, 2005 Non-Final Office Action issued in connection with U.S. Serial No. 10/489,040 (**Exhibit 6**);
9. May 19, 2006 Non-Final Office Action issued in connection with U.S. Serial No. 10/489,040 (**Exhibit 7**) and
10. March 23, 2007 Non-Final Office Action issued in connection

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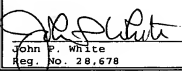
with U.S. Serial No. 10/489,040 (Exhibit 8).

No fee, except the \$60.00 fee for a one-month extension of time and the \$180.00 fee for filing a Supplemental Information Disclosure Statement, is deemed necessary in connection with the filing of this Amendment. A check for the amount of two-hundred and forty dollars (\$240.00) is enclosed. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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| I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:<br>Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                |
| <br>John P. White<br>Reg. No. 28,678  | 7/9/07<br>Date |